

REQUEST FOR PROPOSALS

OFFICE OF THE COMMISSIONER OF INSURANCE THE COMMONWEALTH OF PUERTO RICO (OCI-PR)

RFP NO. 2022-022-01

RFP PUBLICATION DATE: April 1, 2022

PROPOSALS DUE: April 22, 2022, at 4:30 p.m. (Atlantic Standard Time)

www.ocs.pr.gov

ESTIMATED TIMELINE

EVENT	DUE DATE
Publication of RFP	April 1 st , 2022
Deadline to submit Questions	April 8, 2022
Deadline to Provide Responses to Questions	April 15, 2022
Deadline to submit Proposals	April 22, 2022
Complete evaluation of proposals	May 13, 2022

Please note that the RFP timeline includes target dates and may change subject to the sole discretion of the OCI-PR. It is the responsibility of Proponents to periodically review OCI-PR's website for regular updates to the RFP timeline and other important information.

I. OFFICE OF THE COMMISSIONER OF INSURANCE OF THE COMMONWEALTH OF PUERTO RICO

Act No. 77-1957, as amended, known as the “Puerto Rico Insurance Code” (“Insurance Code”), created the Office of the Commissioner of Insurance of the Commonwealth of Puerto Rico (OCI-PR), as well as the Insurance Commissioner position. The OCI-PR is the government regulatory agency that provides oversight of the insurance industry within the jurisdiction of the Commonwealth of Puerto Rico, while the Puerto Rico Insurance Commissioner is the Commonwealth’s officer empowered to enact and execute insurance regulations thereunder.

II. BACKGROUND

The Robert T. Stafford Relief and Emergency Assistance Act, 42 USC 5121, et seq. (“Stafford Act”) is a federal law that is designated to bring an orderly and systematic means of federal natural disaster assistance for state and local governments in carrying out their responsibilities to aid its citizens. Under the Stafford Act, as a condition to receive Federal Emergency Management Agency (“FEMA”) public assistance funding, applicants must obtain and maintain insurance coverage at least equal to eligible amounts for the hazard specified for a permanent facility receiving federal assistance; a provision known as FEMA’s **Obtain and Maintain Insurance Requirement (“O&M Insurance Requirement”)**. Prior to project approval, FEMA will notify the applicant of their initial **O&M Insurance Requirement**. The applicant must evidence insurance compliance to FEMA at project approval and at grant closeout.

Applicants must insure facilities and their contents with the “types and extent” of insurance that is reasonably available, adequate and necessary to protect against future loss of property. “Types” refers to the hazard that caused the damage, and “extent” refers to the amount of insurance required by FEMA. However, due to market conditions, insurance costs or other factors, an applicant may not be able to obtain and maintain the required level of insurance coverage. If this is the case, the Stafford Act entitles the applicant to apply to the State Commissioner of Insurance for an **“Insurance Commissioner’s Certification” (“ICC”)**.

FEMA will not require greater types and amounts of insurance than are certified as reasonably available, adequate, or necessary by the appropriate State Insurance Commissioner. The State Insurance Commissioner cannot waive federal insurance requirements but may certify the types and extent of insurance reasonable to protect against future loss to an insurable facility. FEMA will use the type and amount of insurance certified as reasonably available, adequate, or necessary by the State Insurance Commissioner to modify the applicant’s **O&M Insurance Requirement**.

III. PURPOSE AND INTENT OF RFP

The RFP process is designed to promote a fair and open competition while seeking a cost-competitive option.

The OCI-PR seeks proposals from experienced and qualified firms which can assist the agency by providing professional services (“Consulting, Advisory, Application Review, and Training Services”) in connection with the ICC Application Process of the Obtain and Maintain FEMA requirement, as further described in Section IV.

It is the OCI-PR’s intent to ensure that all work performed, pursuant to this RFP, is eligible for FEMA public assistance grant funding and shall be performed in accordance with FEMA and any other applicable Federal and State laws, regulations, policies and guidance.

IV. SCOPE OF WORK

The OCI-PR is seeking proposals from experienced and qualified firms to provide the following professional services (“Professional Services”, or “Scope of Work”):

- Consulting and advisory services related to the O&M Insurance Requirement and the ICC.
- Develop, implement and execute strategies to bring public attention to the O&M Insurance Requirement, the ICC, and the ICC Application Process.
- Provide knowledge, experience, technical competence, and oversight in the planning, development, administration, implementation and execution of the ICC Application Process, pursuant to 44 C.F.R. 206.252 and 206.253 and FEMA Public Assistance Policy on Insurance of 2015, FP-206-086-1, and any subsequent revised versions.
- Develop, implement and execute efficient procedures to review ICC applications.
- Assist applicants and the insurance community with matters related to the ICC application process.
- Formulate the checklists necessary to assess whether applicant files are completed and in compliance with federal requirements.
- Attend meetings with FEMA and other relevant local, state, and federal officials to address eligibility and process issues.
- Incidental or related matters necessary to develop a full functioning ICC Application Review Process.
- Provide training to OCI-PR’s employees to develop internal capacity to perform the contracted services.

V. CONTRACT TERM

The contract will be for a term of one year, subject to possible annual extensions. It should be noted that OCI-PR reserves the right to re-bid the contract if the Selected Proponent(s) fails to comply with the terms of the contract.

VI. PROHIBITED COMMUNICATIONS

Except for questions submitted by potential proponents and/or interested parties on or before the date indicated in the estimated timeline table and in Section VII of this RFP, or as otherwise provided herein, communications with representatives of the OCI-PR, regarding any matter related to the contents of this RFP are prohibited during the submission and selection processes. No interpretation or clarification of the meaning of any part of the RFP will be made orally by the OCI-PR to any potential proponent and/or interested party. All questions and communications concerning this procurement process must be directed in writing, via email, to the contact person and email address shown below, no later than the date specified in the RFP schedule. Failure to comply with these communications restrictions will result in rejection of the Proponent's Proposal.

VII. PRE-PROPOSAL QUESTIONS

Questions concerning the RFP should be directed to the following email address:

Email: jessica.medina@ocs.pr.gov

Questions will be received until April 8, 2022, at 4:30 pm (Atlantic Standard Time). All questions must reference this specific RFP 2022-022-01 in the subject line of the email. Any correspondence or questions that do not comply with this requirement or that are sent to any other email address will not receive response.

An addendum summarizing all questions and answers will be sent to all proponent to the email contact provided.

VIII. RFP COORDINATOR

The contact email to the RFP Coordinator for this procurement is:

Email: jessica.medina@ocs.pr.gov

Only those notices received from the RFP Coordinator using the aforementioned address will be considered as OCI-PR official notices with regard to this RFP, and Proponents may not rely on any other communications which are not received from the RFP Coordinator using such address, unless published on the OCI-PR website.

IX. AMMENDMENTS TO THE RFP

The OCI-PR may issue addendums in the event it becomes necessary to revise any part of this RFP. Additionally, the published questions and answers, and any other pertinent information will be provided by addendum to the RFP. Addendum will be published on the OCI-PR's site, within the RFP post, and shall be the sole responsibility of Proponents to periodically review that website for any revisions to the RFP and other important information.

X. NO OBLIGATION TO CONTRACT

Issuance of this RFP does not constitute a commitment by the OCI-PR to award a contract. The OCI-PR reserves the right to accept or reject any or all proposals received as a response to this RFP, to negotiate with any qualified firm or to modify or cancel the RFP in part or in its entirety.

The OCI-PR reserves the right to grant more than one contract and/or select more than one qualified proponent. Award of contract will be to those qualified firms whose proposal, conforming with this RFP, represents the best value to the Government of Puerto Rico, the price and other factors will also be considered therein.

The execution of a contract will be subject to all approvals required by law. The OCI-PR will not have any binding obligation, duties, or commitments to the Selected Proponent(s) until and unless a contract has been duly executed and delivered by the OCI-PR after approval by the appropriate governmental authorities.

If OCI-PR is unable to negotiate a mutually satisfactory agreement with the Selected Proponent(s), it may, in its sole discretion, negotiate with the next highest-ranked Proponent(s) or cancel and reissue a new RFP.

XI. PROPOSAL SUBMISSION

Proposals shall be submitted by April 22, 2022, on or before, but no later than 4:30 p.m. Atlantic Standard Time (AST).

Responses to the RFP submitted after the prescribed deadline will not be accepted. Proposals must include all exhibits, appendices and/or attachments to be deemed complete, and consequently, duly submitted. All prices shall be quoted in US Dollars.

All correspondence, documents and related information submitted by Proponents in connection with this RFP shall be written in the English.

Proponents shall submit their Proposals electronically via e-mail only to the following address and attention to:

RFP Coordinator

Email: jessica.medina@ocs.pr.gov

The OCI-PR shall not accept any proposal or modification of a proposal delivered by any other method.

Proponents shall identify any information submitted that is considered confidential or privileged, as appropriate.

XII. PROPOSAL FORMAT

1. Proposals must be clear, succinct, and not exceed 40 pages of 8 ½" x 11" paper of no less than 12-point font.
2. Responses must follow the format outlined herein.
3. The OCI-PR may reject as non-responsive, at its sole discretion, any proposal or any part thereof that is incomplete, inadequate in its response, or departs, in any substantive way from the required format.
4. Proposals shall be organized in the following manner:
 - i. Cover Letter
 - ii. Key Personnel
 - iii. Availability Resources
 - iv. Qualifications and Experience
 - v. Approach and Methodology
 - vi. Estimated Cost and Price

5. Cover Letter

The **Cover Letter** shall be addressed to: Evaluation Committee. It must contain the following:

- a. Identification of organization, including name, address and telephone number.
- b. Name, title, address, and telephone number of contact person during period of proposal evaluation.
- c. A statement to the effect that the proposal shall remain valid for a period of not less than 90 calendar days from the date of submittal.
- d. Signature of a person authorized to bind the proponent to the terms of the RFP. The Cover Letter must reference this RFP and confirm that all elements of the RFP have been read and understood and that the proponent takes no exception to the materials provided.

6. Key Personnel

Indicate Key Personnel who will be assigned to this project and give a brief description of the experience of each (including language skills) and their specific roles under the prospective Professional Services. Key personnel are defined as those who will be assigned and performing the actual services or a portion of them.

Also indicate the location of the office where work will be performed and specifically whether certain personnel will be used on an as needed basis.

Proponents will not be permitted to subcontract any part of the Professional Services without the prior written express consent of the OCI-PR.

7. Availability of Resources

Indicate available resources to be dedicated to the engagement. Available resources are the resources to be allocated to provide the Professional Services. Such support includes qualified person(s) to cover the areas of expertise necessary to perform the services or such other support anticipated to be required during the term of the engagement.

8. Qualifications and Experience

Proponents are required to demonstrate that they possess all necessary capabilities that allow the proper and successful execution of the Professional Services. The proponent must show effective and substantive experience (relative to proposed Scope of Work) in the provision of similar services under consideration under this RFP, which may include, but not be limited to providing consulting and advisory services and/or providing support to other states for the implementation of the ICC Application Review Process, providing insurance consulting services under Federal Major Declared Incidents, providing support to Public Assistance Applicants for compliance with FEMA Public Assistance Policy on Insurance, Public Assistance Program and Policy. Proponents must have the skillset to apply the requirements and standards as outlined by the Office of Management and Budget, 2 CFR Chapter II, Parts 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

Proponent must provide specific details on any previous experience, as described above. Identify engagement and or staff experience with entities comparable to the OIC-PR for which the proponent provides or has provided, similar services within the last 10 years. Each example should include: (a) Name of the organization; (b) Description of the engagement or experience and objectives of the project including beginning and ending dates; (c) Examples of recommendations offered to the client and the results of the implementation of those recommendations; (d) Information regarding the project that would demonstrate successfully experiences by the client, as a result of the recommendations. This may include performance metric and improvements.

The OIC-PR may seek information from references regarding subjects that include, but no limited to, the quality of services provided, anticipated ability to perform the services

required in this RFP and the responsiveness of the Proponent to the client during the engagement.

Please provide at least three (3) reference. Each reference should include the name, title, company, address, phone number and email address of the reference.

9. Approach and Methodology

This section shall include, in narrative, outline, and/or graph form the proponent's approach to accomplishing the tasks outlined in the Scope of Services section of this RFP. Submit a preliminary work plan for an efficient start with the **Professional Services**, including stages, timelines, and deliverable methods.

Provide information that will indicate the firm's ability to respond quickly to task assignments, be able to handle multiple tasks concurrently and be able to complete tasks on accelerated schedules.

10. Estimated Cost and Price

Proponents should submit a proposal setting forth the defined costs for service. The costs must include the hourly rates of all team members, the applicable overhead, and all nonlabor related other direct costs. Proponents should make their best efforts to arrive at an aggregated total cost estimation and total hours estimations. Proponents can provide a list of assumptions and qualification to provide context for the estimation. On the other hand, Proponents are required to submit their price proposal considering the estimated cost and a reasonable mark-up, but based mainly on results. Proponents shall clearly describe the pricing model proposed and provide a clear explanation of how it correlates to the performance and results.

XIII. DOCUMENTATION

All Proposals must include:

1. The Non-Collusive Affidavit
2. Eligibility Affidavit
3. Certification of Eligibility of the Unique Registry of Professional Services Providers (known in Spanish as "*Certificado de Elegibilidad del Registro Único de Proveedores de Servicios Profesionales*", and hereinafter referred to as the "RUP Certification").
4. Certificate of Incorporation issued by the Department of State authorizing to do business in Puerto Rico.

XIV. EVALUATION CRITERIA

The Insurance Commissioner shall appoint and Evaluation Committee ("Evaluation Committee") that will be responsible for the proposal evaluations.

The OCI-PR will only consider proposals from firms that are duly registered to conduct business in Puerto Rico. The proposal from any proponent that fails to pass the OCI-PR's determination regarding no conflict of interest, shall be deemed unacceptable and unresponsive, and shall be disqualified without further evaluation.

The Evaluation Committee shall first review and determine if each proposal completed all requirements as to format and content.

The OCI-PR, by means of the Evaluation Committee, may request a proponent to clarify a proposal in the event that ambiguities or uncertainties are presented in the proposal or to obtain more information necessary for the Evaluation Committee to make a comprehensive evaluation. At the Evaluations Committee's absolute discretion, oral interviews may be conducted with proponents to aid in the short-listing of candidates to be selected or to clarify or expand upon specific items included in the proposals.

Cost of the service is only one of the criteria to be considered and the OCI-PR is not legally bound to award to the lowest priced proposal. The OCI-PR may enter into simultaneous or subsequent negotiations with proponents to determine the final selection of the awardee. The OCI-PR reserves the right to interview key personnel of the proponent before the award of the contract. The OCI-PR reserves the right to conduct discussions with each and every proponent and to request that proponents submit a revised experience and technical proposal and/or price proposal. The OCI-PR shall award the contract to the proponent that submits the most advantageous proposal found to be technically sufficient and acceptable, such that it represents the best value for the Government of Puerto Rico.

The OCI-PR further reserves the right to reject any and all proposals received in response to this RFP, when determined to be in the OIC-PR's best interest. In the event that all proposals are rejected, the OCI-PR reserves the right to re-solicit proposals. The OCI-PR reserves the right to make an award without further discussion of the proposal submitted. The OCI-PR shall not be bound or in any way obligated until both parties have executed a contract. The OCI-PR also reserves the right to delay the award of a contract or to not award a contract.

Proposals will be evaluated based on the following criteria:

Criteria	Points
Personnel and Availability of Resources	5
Qualifications and Experience	25
Approach and Methodology	15

Demonstration of prior successes with similar services and projects.	15
Price Proposal	40
	100

Within the context of the format outlined in Section XII, Proponents to this RFP shall provide information in their proposals that demonstrate the following qualifications:

1. Experience and success in implementing an ICC Application Review Process and/or providing advisory, consulting, and project management support services for compliance with O&M Insurance Requirements and/or ICC applications. Previous experience with federal disaster recovery programs, will be factored into experience.
2. Proponents must be able to comply with an accelerated delivery or performance schedule. Proponents that demonstrate they have the staff available to begin immediately will be scored higher than those who need more time, or whose responses are vague.
3. Proponents that outline a clear and straightforward approach to staffing and working with the OCI-PR to provide expert/strategic advisory and compliance support services will score higher, than those that do not.
4. Proponents shall identify key goals and objectives, and methods for achieving high standards for the delivery of services, in expectation of meeting or exceeding these goals.
5. Proponents shall explain how they will be organized to effectively deploy support for the OCI-PR and clearly identify engagement managers and different workstream leaders.
6. Proponents that demonstrate a strategic integration of OIC-PR employees will receive positive remarks. It is important Proponents are willing to engage OCI-PR employees as team members and key individual.
7. Proponents must have a satisfactory record of integrity and business ethics.
8. Proponents that are corporations, partnerships, or any other legal entity, U.S. or Puerto Rico based, shall be properly authorized by the Department of State to do business in Puerto Rico.
9. Proposed cost and cost structure.

XV. AWARD

The Evaluation Committee shall report its evaluation and make its recommendations to the Insurance Commissioner. The Insurance Commissioner, however, may accept the recommendation of the Evaluation Committee, award the contract to another proponent or proponents, or exercise any of the rights reserved by the OCI-PR, including cancellation. All Proponents shall receive copy of the final determination.

XVI. RIGHT TO REQUEST REVIEW AND RECONSIDERATION

Any Proponent adversely affected by a decision made by the OIC-PR in connection with the selection and award procedures provided in this RFP may, within twenty (20) days of the deposit in the federal mail or e-mail notifying the adjudication of the auction, submit a request for reconsideration to the Insurance Commissioner in accordance with the Uniform Administrative Procedure Act, Law No. 38 of June 30, 2017, as amended. A request for reconsideration or other petition for review that fails to comply with Applicable Laws may be dismissed or denied without further consideration. Judicial review of the determinations made by the OIC-PR as to a request for reconsideration will be governed by the Uniform Administrative Procedure Act.

XVII. GENERAL DISCLOSURES, RIGHTS, OPTIONS AND DISCLAIMERS

By responding to this RFP, Proponents acknowledge and consent to the following conditions relative to the procurement process:

1. To accept or reject any and all submittals, in whole or in part.
2. To cancel this RFP in whole or in part, at any time, with or without substitution of another RFP if such cancellation is determined to be in the best interest of the OIC-PR.
3. To supplement, amend, or otherwise modify this RFP prior to the date of submission of the responses.
4. To receive written questions concerning this RFP from interested parties and to provide such questions, and to publish a summary of the questions and responses.
5. To require additional information from one or more Proponents to supplement or clarify the information submitted.
6. To conduct further investigations with respect to the qualifications and experience of each Proponent.

7. To contact Proponent's past clients in any of the projects or engagements referenced in the proposals to obtain direct information regarding Proponents' performance in such engagements.
8. To eliminate any Proponent that submits a nonconforming, non-responsive, incomplete, inadequate or conditional submission.
9. To investigate the technical and financial qualifications of Proponents using sources in addition to what was included in the submission.
10. All costs and expenses incurred by Proponents in the preparation and delivery of a submission will be the sole responsibility of Proponents. The OCI-PR will not be liable for any amounts to any Proponent in any manner, under any circumstances, including without limitation, as a result of a cancelation of the RFP process.
11. The OCI-PR reserves the right to make such investigations as they deem necessary as to the qualifications or perceived conflicts of interest of all firms submitting Proposals in response to this RFP. The mere appearance of a conflict of interest shall constitute sufficient cause for the outright rejection of a Proposal(s).
12. OCI-PR reserves the right to reject all Proposals received in response to this RFP when determined to be in the Government's best interest, and to waive any defect or technicality in any submission received.
13. The OCI-PR reserves the right to grant more than one contract and/or select more than one qualified proponent. Award of contract will be to those qualified firms whose proposal, conforming with this RFP, represents the best value to the Government of Puerto Rico, the price and other factors will also be considered therein.
14. The OCI-PR further reserves the right to reject any and all proposals received in response to this RFP, when determined to be in the OCI-PR's best interest. In the event that all proposals are rejected, the OCI-PR reserves the right to re-solicit proposals. The OCI-PR reserves the right to make an award without further discussion of the proposal submitted. The OCI-PR shall not be bound or in any way obligated until both parties have executed a contract. The OCI-PR also reserves the right to delay the award of a contract or to not award a contract.
15. The proposals will be held in confidence and will not be released for public review until the final awards is completed.

XVIII. REQUIRED CERTIFICATIONS FROM THE SELECTED PROPONENT

Without excluding other certifications pertinent to this specific RFP, and except as specified below, the Selected Proponent shall immediately submit to the OCI-PR upon receipt of a Notice of Award the following:

1. A certification of filing of income tax return for the past five (5) years (Model SC 6088), issued by the Internal Revenue Area of the Puerto Rico Department of Treasury (henceforth, the "Department").
2. A no taxes debt due certificate, or payment plan and compliance therewith, issued by the Department (Model SC 6096). If a foreign corporation with no previous business operations in Puerto Rico, a no taxes debt due certification affidavit.
3. A certificate of no debt, or payment plan and compliance therewith, with respect to property real and mobile property taxes issued by the Municipal Revenue Collection Center ("CRIM", by its Spanish acronym).
4. A certificate of no debt, or payment plan and compliance therewith, for unemployment insurance, temporary disability (workers compensation) and chauffeur's social security, as applicable, issued by the Puerto Rico Department of Labor and Human Resources.
5. A certificate of no debt, or payment plan and compliance therewith, for municipal license taxes in the jurisdiction where the Proponent has its central operations.
6. Worker's Compensation Insurance policy issued by the State Insurance Fund.
7. Certificate of no debt, or payment plan and compliance therewith, issued by the State Insurance Fund.
8. If a corporation organized under the laws of Puerto Rico, a certificate of compliance with Puerto Rico's General Law of Corporations from the Puerto Rico State Department ("Good Standing"). If a foreign corporation, a Corporate Good Standing Certificate from the Puerto Rico State Department.
9. If available or applicable, certificate of tax withholding waiver issued by the Internal Revenue Area of the Department.
10. A certificate of compliance with the Puerto Rico Child Support Administration's ("ASUME", by its Spanish acronym) orders to retain alimentary pension allowances from its employees' salaries.

11. A resolution from the Proponent's board of directors or a certification from the partnership authorizing the Proponent's representative to execute the Contract.
12. The Proponent shall expressly state its compliance with Act. 2 of January 4, 2018, as amended, known as "Anti-Corruption Code for the New Puerto Rico", warrant in the Proposal that no official or employee of the OIC-PR, or relatives thereof, would have a direct or indirect economic interest in the Proponent's rights and provide the affidavit required by the statute.
13. In addition to the foregoing warranties and representations, the Proponent should be committed to comply with Act No. 1 of January 3, 2012, as amended, known as the "Act of Governmental Ethics of Puerto Rico".
14. The Proponent shall expressly acknowledge in the Proposal that the above certifications constitute an essential condition for entering into a contractual relation with the OIC-PR and if found to be intentionally misleading or the related certifications altered or forged, the contract shall be nullified or made void.
15. The Selected Proponent shall also comply with certifications required by OE-2021-029 and Circular Letter 013-2021 issued by OGP, if applicable.

Important Note: Prior to award of a contract, the OCI-PR must obtain contractor clearance. To obtain clearance, the OCI-PR will search <https://www.sam.gov/SAM/> to verify whether the contractor is or not debarred using the Data Universal Numbering System (DUNS). THEREFORE, THE PROPOSERS MUST POSSESS A DUNS NUMBER AND BE REGISTERED IN THE SYSTEM FOR AWARD MANAGEMENT (SAM) AT THE TIME OF THE PROPOSAL SUBMISSION OR INITIATE THE REGISTRATION PROCESS RIGHT AFTER THE PROPOSAL SUBMISSION. FOR MORE INFORMATION ABOUT THE SYSTEM FOR AWARD MANAGEMENT (SAM) GO TO <https://www.sam.gov/SAM/>.